

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

AECOM ENERGY & CONSTRUCTION,
INC.,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
Defendant.

Case No. 20-2016 C

JOINT STATUS REPORT AND REQUEST FOR APPROXIMATELY
THREE-WEEK ADJUSTMENT OF THE SCHEDULING ORDER DEADLINES

On April 18, 2024, the Court entered a revised scheduling order. In that order, the Court provided a deadline of July 3, 2024 for the Government to complete document production, and further instructed the parties to “jointly submit a status report every 30 days . . . updating the court on the progress of discovery.” ECF No. 45. The Court ordered that the first of these reports is “due on May 15, 2024, and the last due after the close of expert discovery, on May 27, 2025.” *Id.* In accordance with the Court’s order, plaintiff AECOM Energy & Construction, Inc., formerly known as URS Energy & Construction, Inc., (“URS”) and defendant the United States of America (the “Government”) submit this Joint Status Report updating the Court on the status of discovery.

In the parties’ last status report, filed on May 15, 2024, the Government informed the Court that it had “identified approximately 57,000 documents” that it must review for privilege, and that it had “approximately doubled the number of reviewers available to conduct privilege review” to meet the Court’s deadline. ECF No. 48. URS informed the court that it had conveyed to the Government that “unless the Government adds significant additional resources to its review, it is unlikely the July 3 deadline will be met.” *Id.* Following that report, the Government added additional reviewers to the privilege review to optimize the chances that privilege review could be completed before the Court’s production deadline. At this juncture,

the Government reports that it has completed approximately 55 percent of its privilege review and believes it can complete an additional 10 to 15 percent per working week.

Despite this progress, the Government respectfully reports that it is unlikely to meet the present deadline to complete productions. It thus respectfully requests an additional twenty-three days, to and including July 26, 2024, to finalize its privilege review and complete its production. URS does not oppose this adjustment so long as the other deadlines in this case are similarly adjusted. Accordingly, the parties respectfully submit the following jointly proposed schedule for the Court's consideration.

Event	Deadline
Completion of government document production	July 26, 2024
Close of fact discovery	December 20, 2024
Joint status report due that updates the court on a first settlement discussion	January 10, 2025
Exchange of expert reports	February 14, 2025
Exchange of rebuttal expert reports	April 11, 2025
Close of expert discovery	June 6, 2025
Joint status report due that (1) updates the court on a second settlement discussion, and (2) proposes a schedule for further proceedings. The dispositive-motion briefing schedule shall include four deadlines: (1) AECOM's affirmative motion; (2) the government's cross-motion and response; (3) AECOM's response and reply; and (4) the government's reply.	June 20, 2025

There are two reasons for this extension request. The first reason is institutional. Since the last status report, counsel for the Government learned that the Department's Office of Information Technology has ordered the migration of all document repositories within the Civil Division to a new review platform by no later than June 30, 2024. In practical terms, that means the Government's document space must be closed for approximately 4 to 7 days to enable its contents to be transferred and uploaded to a new platform before that deadline. Our transfer begins on June 21, 2024, meaning our review team will be unable to access any documents in

this case from that day forward until the transfer process is complete. That timing necessarily inhibits our ability to complete the privilege review based on the current timetable.

The second reason is practical. Overall, the privilege review has moved slower than anticipated. The pace of privilege review in any case is often difficult to predict, as much depends on individual pace and other constraints. To that end, since privilege review commenced in early May 2024, the Government tracked pace and progress, and as results emerged over time, tripled the size of its privilege review team in a concerted effort to meet the present deadline. Indeed, to incentivize proactivity and longer working hours among its reviewers, the Department of Energy went so far as to award compensatory time to employees that devoted time to this review beyond their standard workdays. The results, while promising, were not sufficient to avoid this request, as it is now clear that more time will be necessary to close out this segment of the case.

For these reasons, the Government (with URS's conditioned agreement) respectfully requests that the Court adjust the scheduling order as recited above.

Respectfully submitted,

s/ Charles C. Speth

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